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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,521	10/26/2001	Stephen J. Sharp	086402-9020-00	3137

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EXAMINER
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LIU, HAN L

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 02/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/045,521	SHARP ET AL.
	Examiner Han Lieh Liu	Art Unit 3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 October 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 23-41 is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)                  4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                  5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4.                  6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This application is a CIP of US Patent Application 09/777210 filed on 02/05/2001, which became US Patent USPN 6447263 B1 and published on 09/10/2002.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “drive wheel 80” as recited in page 7 line 29 and “screen 94” as recited in page 7 line 21 in the Specification for Fig. 4, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Fig. 4 shows duplicated label “88”.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

3. The disclosure is objected to because of the following informalities:
  - On page 3 line 24, “limiting” is recited. It should have been --limiting--.
  - On page 4 line 11, “second compartment 46” is recited. Same page line 14, “second compartment 58” is recited.
  - On page 5 line 14, “rear wall 25” is recited. It should have been --rear wall 26--.
  - On page 10 line 14, “second passage 110” is recited. It should have been --second passage 114--.

On page 10 line 16, “second passage 118” is recited. It should have been --third passage 118--.

On page 12, 2<sup>nd</sup> line of claim 9, “compartment;” is recited. It should have been --compartment--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubo et al. (USPN 5507618).

With regard to claim 1, Kubo et al. disclose an air compressor unit in Fig. 1 comprising: an enclosure (31) defining an interior volume (not labeled); a partition (32) partially separating the interior volume into at least two compartments (A and B), said at least two components including a discharge compartment (containing discharge passage leading to discharge aperture 41) and a component compartment (containing compressor 33).

With regard to claims 2 – 3, Kubo et al. disclose the invention substantially as claimed in base claim 1. Furthermore, Kubo et al. disclose that the after-cooler (63) being disposed within the enclosure and between the compressor (3) and discharge aperture (41).

With regard to claims 4 – 9, Kubo et al. disclose the invention substantially as claimed in base claim 1. Furthermore, Kubo et al. disclose that the component compartment (A) further comprises a first compartment containing a compressor (35) and a second compartment containing a motor (36) where compressor being powered by the motor, column 4 lines 2 – 4; the first compartment and second compartment being at least partially separated by the partition (32) as shown in Fig. 1.; and one passage (not labeled in Fig. 1, 2<sup>nd</sup> embodiment in Fig. 3 labels duct 51) in the partition permitting the fluid flow between first component and the second compartment.

With regard to claims 15, 16 and 18, Kubo et al. disclose the invention substantially as claimed in base claim 1. Furthermore, Kubo et al. disclose that cooling air inlet (39) is in the enclosure (31); blower (37) being disposed near inlet (39) and powered by motor (36); and the component compartment (B) further comprising a first compartment containing a compressor and a second compartment containing a motor.

Claims 10 – 14, 17, 19 and 22 are rejected because of defected base claim 1.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Kubo et al. (USPN 5507618) as applied to claim 1 above, and further in view of Ishida et al. (USPN 5672052).

Kubo et al. disclose the invention substantially as claimed in base claim 1. However, Kubo et al. do not disclose that the partition includes a layer of foam for absorbing noise. Ishida et al. teach to apply sound absorbing material to the walls of each of the chambers defined by the partition, column 5 lines 53 – 57. Therefore, it would have been obvious to one having ordinary skill in the art of noise insulation at the time the invention was made to advantageously apply a layer of noise absorbing material on the partition as taught by Ishida et al., to effectively absorb all noise generated inside the enclosure.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Kubo et al. (USPN 5507618) as applied to claim 1 above, and further in view of Sawyer, III et al. (USPN 5997258).

Kubo et al. disclose the invention substantially as claimed in base claim 1. However, Kubo et al. do not disclose that the enclosure includes a layer of foam for absorbing noise. Sawyer, III et al. disclose using attenuation cell means (36) for noise absorbing, column 3 lines 11 – 20. Therefore, it would have been obvious to one having ordinary skill in the art of noise insulation at the time the invention was made to advantageously apply a layer of foam material to absorb noise generated by the machine as taught by Sawyer, III et al.

*Allowable Subject Matter*

7. Claims 23 – 41 are allowed.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scrivener et al. (USPN 6321557), Mueller (USPN 4359085), Stofen (USPN 4311439), Van-Hee et al. (USPN 3989415).

Scrivener et al. disclose a noise attenuating apparatus for housing a compressor and/or condenser unit. The apparatus comprises a substantially box-shaped outer shell and an inner shell. The outer shell is formed with primary air inlet to receive air into the apparatus and a primary outlet for discharge of spent air from the apparatus. The inner shell includes an inner chamber and is formed with a secondary air inlet to receive air supplied via the primary air inlet means into the inner chamber to supply air to the unit. The space between the inner and outer shells defines a tortuous flow path for the removal of spent air from the apparatus through the primary air outlet means.

Mueller discloses an exemplary embodiment where two machines are arranged in a common cabinet-like housing insulated toward the exterior from sound conducted through solids and airborne sound. The fresh air channels and the exhaust air channels are so designed and arranged that the air be deflected many times during its flow through the housing.

Stofen discloses an air compressor system of the type having fluid-treating components including a compressor and down stream coolers for hot fluids emanating from the compressor, characterized by a substantially airtight cabinet enclosing the fluid-treating components and including air outlets and an ambient air inlet.

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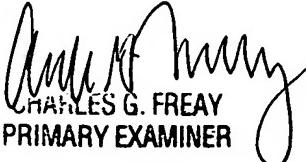
Van-Hee et al. disclose a silencing housing for enclosing a machine plant having at least one external cooler, for instance, a compressor unit, which housing being divided into a primary chamber for accommodating the machine and a secondary chamber communicating with said primary chamber. The ventilator is arranged to accomplish a ventilating airflow through the primary chamber as well as airflow through the cooler within the secondary chamber. All air inlet and outlet openings of the housing being provided with sound traps.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Han Lieh Liu whose telephone number is 703-305-0860. The examiner can normally be reached on 7:30 to 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 703-308-0102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0861.

Han Lieh Liu  
January 22, 2003

  
CHARLES G. FREAY  
PRIMARY EXAMINER